

APPROVED MINUTES MARCH 9, 2005
CITY OF GUNNISON - PLANNING & ZONING COMMISSION
REGULAR MEETING

rev. 3/10/05

MEMBERS	PRESENT	ABSENT	EXCUSED
DIANE LOTHAMER, CHAIR	X		
HARVEY HARRIMAN – VICE CHAIR	X		
JIM SEITZ	X		
BOB BEDA	X		
KURT SCHRAM	X		
JONATHAN HOUCK	X		
COUNCILMEMBER THOMAS SMITS	X		

OTHERS PRESENT: COMMUNITY DEVELOPMENT DIRECTOR STEVEN WESTBAY, CITY PLANNER KIM ANTONUCCI, PLANNING TECHNICIAN ANDIE RUGGERA, CITY ENGINEER TERRY ZERGER, RICHARD KARAS, TL LIVERMORE, CHRIS ROMERO, ALLAN MULLER, MARK LUCAS, BRAD TOMLIN, ERIN VOKOUN, MIKE DOWNING, TOM GOTSCH, CHERYL COFFEY, ROBERT GANDY, CEA MOUNT, CHUCK PUSEY, DODY PUSEY, MARY SPANN, ANDY SPANN, ANN FENNELL, JIM MCDERMOTT, LEO KLINKER, JOHN DAUGHERTY, STEVE BATHJE, AND OTHER CONCERNED CITIZENS.

I. CALL TO ORDER AT 7:00 BY CHAIR LOTHAMER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF THE FEBRUARY 23, 2005 MEETING MINUTES

Commissioner Seitz moved to approve the February 23, 2005 meeting minutes.

Commissioner Harriman seconded the motion.

Roll Call Yes: Beda, Lothamer, Houck, Schram, Smits, Harriman, and Seitz

Roll Call No: None

Motion Carried

IV. PUBLIC HEARING, CONDITIONAL USE – CU 05-2

THOMAS GOTSCH – 402 WEST RUBY

The public hearing was opened at approximately 7:05 p.m.

Proof of publication was shown for the record.

Planner Antonucci gave a brief overview of the application and stated the applicant had not met the conditions of the original conditional use and the conditional use had

expired; therefore Mr. Gotsch had to apply for a new conditional use.

The applicant, Tom Gotsch, stated he started the project five years ago and his home was now complete; however the original conditional use expired. Mr. Gotsch stated that is why he is in front of the Commission.

There was no public present to comment on the application. The Community Development department did receive a letter from Doug Kennedy, dated March 8, 2004. The letter was entered into the record.

Planner Antonucci gave an overview of the conditional use. There was discussion on parking and snow storage.

The public hearing was closed at approximately 7:10 p.m.

Commissioner Harriman moved to approve conditional use application CU 05-2, submitted by Tom Gotsch with the following three findings and one condition:

Findings:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).
2. The Planning and Zoning Commission finds that the application requests the occupancy of an accessory dwelling. The Planning and Zoning Commission further finds that the property is within the R-2 zone district and is surrounded by R-2 zoning on all four sides.
3. The Planning and Zoning Commission finds that the seven review standards as stated in the Land Development Code for conditional use permits have been or will be met based on the following condition of approval:

Condition:

1. The applicant shall move the existing fence and wood storage on the alley to allow for snow storage and refuse facilities (as shown on the site plan dated 3/4/05) prior to the issuance of a certificate of occupancy.

Commissioner Beda seconded the motion.

Roll Call Yes: Seitz, Lothamer, Houck, Schram, Smits, Beda, and Harriman

Roll Call No: None

Motion Carried

V. PUBLIC HEARING, CONDITIONAL USE – CU 05-3
RA'S GARAGE – 301 SOUTH 14TH STREET

The public hearing was opened at approximately 7:10p.m.

Proof of publication was shown for the record.

Planner Antonucci gave a brief summary of the application. Antonucci stated a neighbor's complaint brought the non-conforming use to the City's attention and the applicant, Robert "RA" Gandy, has met with staff numerous times to comply with the City Codes.

RA Gandy explained to the Commission that he runs an auto repair/restoration business and was told when he bought the property by the prior owner; the light industrial use was grandfathered in. Mr. Gandy made a complaint and submitted pictures regarding his neighbor's property cattycorner from his business. The complaint will be followed up by City staff.

At approximately 7:20 p.m. Commissioner Beda moved to continue the public hearing to 7:40 p.m. due to the published legal notice time of 7:40 p.m. on March 9, 2005. Commissioner Houck seconded the motion.

Roll Call Yes: Seitz, Harriman, Lothamer, Schram, Smits, Houck, and Beda

Roll Call No: None

Motion Carried

The public hearing was continued at 7:40 p.m.

The following public comment was received:

Jim McDermott – owner of the shop south of RA's Garage

Mr. McDermott gave a brief history of uses of the subject property and stated Mr. Gandy has been the best neighbor he has ever had. He stated the business fits into the area and was in support of Mr. Gandy.

Leo Klinker – Agent for daughter Denise who lives at 306 S Boulevard

Mr. Klinker stated he hopes the Commission grants the conditional use application and was concerned with the appearance of the neighborhood, and mentioned if the subject area began to look like a salvage yard he hoped the City would remedy the situation.

Steve Bathje

Mr. Bathje stated the City is driving out small businesses and that RA should be given some consideration. Mr. Bathje stated he was in favor of RA's business and mentioned the City needs to start looking out for businesses.

Ann Fennel – works for six points

Ms. Fennel was in support of the applicant and stated she was very pleased to have RA back in business. She also spoke of his good work ethic and stated she would like to see approval of his business.

Andy Spann – Intern at RA's Garage

Mr. Spann is in favor of the conditional use and mentioned the vehicles parked outside all had a purpose of repair and were moved frequently.

John Daugherty – neighbor

Mr. Daugherty had concerns of parking, noise, and drainage. He stated he was not against Mr. Gandy, but wanted protection for the residential area.

Planner Antonucci presented the application. There was discussion on the findings and conditions located in the packet.

The public hearing was closed at approximately 8:25 p.m.

Commissioner Harriman moved to approve the conditional use application CU 05-3 for a repair/restoration shop with the following seven findings and seven conditions:

Findings:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).
2. The Planning and Zoning Commission finds that the application requests the operation of an automobile/motorcycle repair and restoration shop.
3. The Planning and Zoning Commission finds that the property is zoned as a Commercial district and is located in a mixed use neighborhood.
4. The Planning and Zoning Commission finds that the applicant has produced a letter from the City Community Development Department August 1, 2001 stating that the use/structure is non-conforming and could remain operational as long as was not expanded.
5. The Planning and Zoning Commission finds that a complaint from a neighbor drew attention to this land use, and the city staff was cautious and required a conditional use application.
6. The Planning and Zoning Commission finds that given the historical aspects of the neighborhood and the numerous existing non-conforming uses/structures that exist in the area, a reasonable balance needs to be achieved between neighborhood character and individual property rights. The Planning and Zoning Commission finds that the conditions as stated herein serve to mitigate potential noise, cleanliness, vibrations, and similar conditions which is considered to be reasonable.
7. The Planning and Zoning Commission finds that the seven review standards as stated in the Land Development Code for conditional use permits have been or will be met based on the following conditions of approval:

Conditions:

1. All vehicles for repair or storage on the site for more than 30 days must be parked inside the building or they must be screened.
2. This conditional use permit allows one employee and one working bay. If additional employees or bays are needed, the applicant must re-apply for a conditional use permit.
3. The paved parking area for the commercial building shall be striped prior to November 30, 2005.
4. The landscaping plan (in the application file) shall be installed prior to November 30, 2005.

5. Noise generated by this use shall not exceed 65 decibels as heard from any adjacent property.
6. Hours of operation shall be limited from 6am to 8pm daily.
7. Vehicle screening must be completed by June 30, 2005.

Commissioner Seitz seconded the motion.

Roll Call Yes: Beda, Lothamer, Houck, Schram, Smits, Seitz, and Harriman

Roll Call No: None

Motion Carried

VI. CONTINUED PUBLIC HEARING, CONDITIONAL USE – CU 05-1
MARK LUCAS, WEST ELK PROPERTIES, LLC

The public hearing was opened at approximately 7:20 p.m.

Public comment was received from Cea Mount, owner of Alpine Acupuncture. Mrs. Mount expressed concern of the potential impact of noise, pollution, and traffic. Mrs. Mount stated she would like to see Mr. Lucas propose a smaller building.

At approximately 7:25 p.m. Commissioner Harriman moved to continue to the public hearing to 8:00 p.m. on March 9, 2005. Commissioner Beda seconded the motion.

Roll Call Yes: Seitz, Lothamer, Houck, Schram, Smits, Beda, and Harriman

Roll Call No: None

Motion Carried

The public hearing was continued at approximately 8:30 p.m.

Planner Antonucci read a letter from the applicant, Mark Lucas from West Elk Properties, LLC dated March 3, 2005. The letter stated he had made every effort to address public concerns expressed from both the public hearing from February 23, 2005 and direct phone calls. The letter continued to address concerns stated by the public and mentioned a homeowners association will be created with a set of covenants and declarations.

Marc Lucas stated he met with the neighborhood to discuss and resolve concerns. Mr. Lucas had the City Engineer sign off on the drainage plan, made the lighting plan dark sky compliant, met requirements on landscaping, and addressed snow removal, placement of the dumpster, fences, and hours of operation.

The following public comment was received:

Mike Downing – 508 West Virginia Avenue

Mr. Downing expressed concern with the dumpster location, proposed use, size of structure, and flood problems due to all the surrounding lots draining onto the subject property.

Erin Vokoun – has contract on property to the east of the subject property

Ms. Vokoun stated after reflecting on the proposed project, she is concerned about drainage onto the contracted property.

Planner Antonucci went over the findings and conditions with the Commission. City Engineer, Terry Zerger, discussed the site and explained that water from a property shall not drain onto adjacent owners and shall not exceed historical run-off.

Commissioner Beda moved to approve the conditional use application CU 05-1, presented by West Elk Properties, LLC, with the following eight findings and ten conditions:

Findings:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; provisions of the City of Gunnison Land Development Code; and the City of Gunnison Master Plan Volumes I and II (1994).
2. The Planning and Zoning Commission finds that the property is within the Commercial zone district and contains a single family dwelling.
3. The Planning and Zoning Commission finds that the applicant came before the Commission on February 23, 2005 and the Commission tabled any action to receive additional information.
4. The Planning and Zoning Commission finds that the application requests the operation of two construction contractors on the premises.
5. The Planning and Zoning Commission finds that the use as proposed may generate impacts to the neighborhood. The Planning Commission further finds that certain restrictions are necessary to protect the health, safety and welfare of the community.
6. The Planning & Zoning Commission finds that site development constraints associated with existing underground utilities presently exists, but that the applicant has sufficiently addressed these concerns.
7. The Planning and Zoning Commission finds that the level of service (plowing and maintenance) of the adjacent alley will be the same as all other City alleys, and approval of this conditional use will not constitute the need for additional City service levels.
8. The Planning and Zoning Commission finds that the seven review standards as stated in the Land Development Code for conditional use permits have been or will be met based on the following conditions of approval:

Conditions:

1. A ten foot (10') utility easement to serve adjacent neighbor to the east, 119 N 14th Street, shall be established on the south property line prior to issuance of a building certificate of occupancy.
2. The parking area for the commercial building shall be paved and striped by July 31, 2006.

3. This conditional use permit shall be allowed for carpentry shop use, if the carpentry operation is a subordinate to the contractor's office. [It shall not become an exclusive woodworking/cabinetry/wood processing use, unless amended by the Planning & Zoning Commission].
4. Noise generated by this use shall not exceed 65 decibels as heard from any adjacent property.
5. The proposed fences, as noted on the site plan, must be installed prior to the issuance of a certificate of occupancy.
6. The proposed landscaping plan must be installed prior to the issuance of a certificate of occupancy.
7. Any outside storage of construction materials must be visibly screened and located between the south building face and the fence. The height of stored material shall not exceed the fence height.
8. A drainage plan must be submitted that meets the City Engineer's approval.
9. Full cut-off light fixtures shall be used.
10. Hours of operation shall be 6:30 a.m. to 6:30 p.m.

VII. COUNCIL UPDATE

Councilmember Smits gave an update of the February 22, 2005 Council meeting.

VIII. PLANNING STAFF UPDATE

Director Westbay discussed with the Commission the abandoned buildings section of the draft design standards for large retail establishments and stated further discussion will be held on the March 16th work session.

VIII. ADJOURNED at approximately 9:30 p.m.

Diane Lothamer, Chair

Attest:

Andie Ruggera, Secretary